

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

MYRA ANN LAVERGNE

V.

**HCA INC., KINGWOOD MEDICAL
CENTER, CINDY OLVERA and
SUZANNE PILETTE**

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NO. 1:05-CV-356

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this case to the Honorable Earl S. Hines, United States magistrate judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence.

This is a *pro se* employment discrimination and retaliation action under “Title VII” (Civil Rights Act of 1964, 42 U.S.C. §§ 2000e – 2000e-17). The magistrate judge recommended that defendants’ motion for summary judgment be granted because (a) Title VII does not authorize private causes of actions against supervisors (defendants Olvera and Pilette); (b) plaintiff fails to present evidence sufficient to raise a genuine issue of material fact as to whether defendant HCA, Inc. and plaintiff’s direct employer are a single, integrated enterprise such that Title VII liability may be imposed on HCA, Inc.; and (c) plaintiff – having elected to rely on unverified and conclusory allegations of her complaint rather than respond to defendants’ motion with controverting evidence – fails to present evidence sufficient to raise a genuine issue of material fact on each essential element of her claims against her direct employer, Kingwood Medical Center.

On August 21, 2006, plaintiff submitted a letter addressed to the judges handling this case. Plaintiff does not state explicitly that she objects to the magistrate judge's recommendation. Moreover, plaintiff does not challenge the magistrate judge's proposed findings of fact, conclusions of law, or legal analysis. Rather, plaintiff simply reasserts her sincere belief that the claims asserted here are meritorious, and she suggests further that this action served a noble purpose in that it caused defendant Kingwood to change its employment practices and hire minorities to fill management positions. Plaintiff also reports her personal developments during the pendency of this suit. She states that notwithstanding her husband's illness and required multiple surgeries, and also her displacement caused by Hurricane Rita, she will soon complete her master's degree in nursing, and plans to stand for election to the Texas Legislature.

Plaintiff's individual perseverance and individual accomplishments are inspiring, but they do not equate to objections meriting rejection of the magistrate judge's report and recommendation. Upon conducting a *de novo* review of the magistrate judge's report and plaintiff's response, the court concludes that the findings of fact and conclusions of law of the magistrate judge are correct. Accordingly, the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that "Defendants' Motion for Summary Judgment" (Docket No. 18) is **GRANTED**.
It is further

ORDERED that the reference to the magistrate judge is **VACATED**.

The court will enter final judgment separately.

SIGNED this the 31 day of **August, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge